

A REGIONAL CONTEXTUAL ANALYSIS
OF THE LGBTI MOVEMENT

IN SOUTH & SOUTH EAST ASIA



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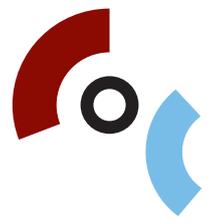




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LIST OF ACRONYMS AND INITIALISMS

ACSC/APF	ASEAN Civil Society Conference/ASEAN People's Forum
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIDS	Acquired immune deficiency syndrome
AJWS	American Jewish World Service
ANPUD	Asian Network of People who Use Drugs
APCOM	Asia Pacific Coalition on Male Sexual Health
APF	Asia-Pacific Forum of National Human Rights Institutions
APN Plus	Asia Pacific Network of HIV Positive People
APNSW	Asia Pacific Network of Sex Workers
APTAN	Asia Pacific Transgender Network
ARROW	Asian-Pacific Resource & Research Centre for Women
ASC	ASEAN SOGIE Caucus
ASEAN	Association for South East Asian Nations
BLIA	Being LGBTI in Asia programme (UNDP)
CEDAW	Committee on the Elimination of Discrimination Against Women
CRC	Committee on the Rights of the Child
CSBR	Coalition for Sexual and Bodily Rights in Muslim Societies
EIDHR	European Commission for Democracy and Human Rights
EU	European Union
Forum Asia	Asian Forum for Human Rights and Development
GATE	Global Action for Trans* Equality
HIV	Human immunodeficiency virus
HPP	Health Policy Project
ICD	International Classification of Diseases
ICT	Information and communication technologies
ILGA	International Lesbian, Gay, Bi, Trans and Intersex Organisation
ILO	International Labour Organization
IWRAW-AP	International Women's Rights Action Watch Asia Pacific
LGBTIQ	Lesbian, gay, bisexual, transgender, intersex, queer (and variations thereof as relevant in the particular context under discussion, e.g. LBT, LGBT)
MENA	Middle East and North Africa
MSM	Men who have sex with men
NGO	Non-governmental organization
NHRI	National Human Rights Institution
OHCHR	United Nations Office of the High Commissioner for Human Rights



OII-Chinese	Organization Intersex International - Chinese
OutRight	OutRight Action International
SEANF	South East Asia National Human Rights Institutions Forum
SOGIESC	Sexual orientation, gender identity and expression, sex characteristics (and variations thereof as relevant, e.g. SOGIE)
SRHR	Sexual and reproductive health rights
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
USAID	United States Agency for International Development
WHO	World Health Organization



1. INTRODUCTION

This regional context analysis aims to assess the current status of activism on rights relating to sexual orientation, gender identity and sex characteristics (SOGIESC) in South and South East Asia. The paper provides a summary overview of political, legal, economic, social, cultural and religious factors affecting lesbian, gay, bisexual, trans, and intersex (LGBTI)¹ persons across the region, as well as a brief introduction to the regional and sub-regional human rights mechanisms, civil society organizations undertaking regional work, and other programmes. Finally, an analysis of the gaps, needs and strengths of regional civil society activism on SOGIESC issues backgrounds a set of recommendations, and identifies opportunities, for funders of LGBTI human rights work in the region.

The contents of this paper are grounded in desk research (a list of key resources is annexed), and written input from and interviews with regional stakeholders from civil society and UN agencies, which took place in October and November 2016. Stakeholders were also invited to review and edit the final draft. All input was invaluable to the process and outcome.

2. REGIONAL TRENDS

Political, legal, economic, social and cultural factors affecting the lives of LGBTI persons across Asia are vast and vary between communities, contexts and countries, as well as between genders, sexes, identities and forms of self expression, and other intersecting factors such as ethnicity, religion, class, caste, age and ability. While impossible within the context of this paper to give justice to the multiplicity of experiences in the region, certain trends are summarized below.

There are laws that both support and protect, and criminalize or otherwise discriminate against persons on the basis of sexual orientation or gender identity and expression (SOGIE) in the region. For example, consensual same sex relations between adults is criminalized in Bangladesh, Bhutan, Brunei, Malaysia, Maldives, Myanmar, Pakistan, Singapore and Sri Lanka, as well as in several regions of Indonesia including Aceh. In many of these countries the laws are vaguely defined, and are often remnants of colonial era provisions that criminalize “acts against the order of nature”, “obscene acts” or “gross indecency”.² In addition, a law criminalizing “cross dressing” in Malaysia is regularly used to penalize transgender persons.³ Provisions on public order and indecency may be further used to target people on the basis of sexual orientation, gender identity or expression, as well as people engaging in sex work.⁴ United Nations agencies and offices have jointly called for such laws to be repealed, noting:

These discriminatory laws contribute to perpetuating stigma and discrimination, as well as hate crime, police abuse, torture and ill-treatment, family and community violence, and negatively affect public health by impeding access to health and HIV services.⁵

In a two-month period in early 2017, over 150 men were arrested, detained and subjected to ill treatment in Indonesia, on the basis of their perceived sexual orientation.⁶

Furthermore, medical classifications that pathologize people on the basis of their sexual orientation, gender identity or expression, or sex characteristics (SOGIESC) are used to justify forced, coercive and otherwise involuntary “treatments”, including genital mutilation of intersex minors, so-called “conversion therapies”, and an array of other abuses in medical and health care settings.⁷ Some laws require a medical diagnosis for legal recognition of gender identity.⁸

Such laws and classifications have a damaging impact on HIV prevention and treatment in the region,⁹ where men who have sex with men, transgender women and sex workers continue to be among recognized key populations. The Global Fund and the Global Commission on HIV and the Law have indicated positive trends in the overall growth of infection, with recent figures showing a 31 percent decline in new HIV infections compared to 2000.¹⁰ Furthermore, anti-retroviral drugs (ARVs) have become more affordable with India supplying inexpensive generic HIV medicines, thereby driving down the prices of ARVs produced by large pharmaceutical companies.¹¹ Nevertheless, people living with HIV face discrimination, stigma and prejudice across the region, including in accessing healthcare.¹² Many HIV health services are focused on and directed towards men who have sex with men. The challenges and risks facing lesbians, bisexual women, and trans men are severely under-researched in this area, failing to recognize the fact that these populations may also be at risk of infection, due to voluntary, coerced or forced sexual relations with cisgender men, including through forced marriage and sex work.¹³

Lesbians, bisexual women and trans people are additionally affected by laws and policies that discriminate against women, as well as by patriarchal and sexist norms and values that seek to repress and punish women's sexual and gender expression.¹⁴ As noted during a UN Women convening on promoting and protecting the rights of LGBTI people:

The value placed in communitarianism, at a national, communal and familial level, within a hetero-patriarchal society, often means that women are expected to subjugate their own needs, desires and identities for the benefit of the broader collective, whether that be the family, community or nation.¹⁵

Nevertheless, positive developments can also be seen across the region. For example, ‘third gender’ is officially recognized as an identity marker in Bangladesh and Nepal.¹⁶ Sexual and gender minorities secured explicit protection against discrimination in Nepal's Constitution.¹⁷ Certain jurisdictions in the Philippines have passed anti-discrimination ordinances that include sexual orientation and gender identity as protected grounds.¹⁸ In a series of rulings in 2009, the Supreme Court of Pakistan held that transgender citizens should have equal rights and access to government benefits.¹⁹

Viet Nam decriminalized same sex marriage in 2013, and in 2015 the National Assembly passed a bill that could lead to a process for legal gender recognition for transgender people who have undergone gender-affirming surgery.²⁰ In 2017, the Constitution Court in Taiwan ruled in favour of same sex marriage.²¹ Thailand, Viet Nam, Timor-Leste, Nepal, Japan and the Republic of Korea have all supported human rights initiatives on sexual orientation and gender identity at the UN in recent years.²² Implementation of these laws and policies varies across the region.

International jurisprudence increasingly recognizes human rights relating to sexual orientation, gender identity and expression, and sex characteristics, and all UN Member States are obliged to promote and protect the rights of all persons, without discrimination. UN treaty monitoring bodies and special procedures have given recommendations relating to a broad range of civil, political, economic, social and cultural rights issues affecting LGBTI persons globally, including to Asian member states.

No human rights mechanism exists at the broader Asia regional level. However, at the sub-regional level, the Association of South-East Asian Nations (ASEAN) has adopted the Declaration on the Elimination of Violence Against Women and Children, and the Human Rights Declaration. As with the international documents, the ASEAN Human Rights Declaration does not contain any explicit provision on sexual orientation, gender identity, expression, or sex characteristics, but contains similar key language to the Universal Declaration of Human Rights, notably:

1. *All persons* are born free and equal in dignity and rights;
1. *Every person* is entitled to the rights and freedoms set forth herein, *without distinction of any kind*, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability *or other status*.²³

While at the international level such language has been harnessed to affirm that human rights law applies to LGBTI people, the political culture of ASEAN, which places heavy emphasis on consensus, has prevented meaningful engagement on these issues from the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC).

Furthermore, cultural relativity as juxtaposed with international human rights, has been used to undermine the core principle of the universality of human rights. In recent years this has been playing out in debates on the rights of LGBT persons, which are seen as emblematic of Western hegemonic discourse.²⁴ Western and international organizations and donors working in this area need to be cognizant of this fact, and should avoid reinforcing the idea that sexual orientation and gender identity are foreign concepts. Sexual orientation and gender identity issues are further politicized by other factors, including pro/anti-US sentiment, key trade partners, and religious conservatism and extremism.

As in other parts of the world, it is hard to separate religion from power. In many countries across the region, there are those who seek to use religion to maintain unequal and discriminatory power structures and gender relations. This issue has been raised by academics, civil society, and human rights experts, particularly in addressing human rights violations against those who transgress gender norms and against human rights defenders working on gender, sexual orientation and gender identity.²⁵ Examples of this include conservative religious Christian groups and politicians mobilizing against an LGBT inclusive anti-discrimination bill in the Philippines,²⁶ religious leaders across faiths in India opposing the repeal of Section 377 of the Penal Code (that effectively criminalizes same sex relations),²⁷ and the passage of laws criminalizing same sex relations based on interpretations of Sharia laws in Aceh, Indonesia.²⁸

Nevertheless there is a growing number of religious leaders, clerics, academics and faith based organizations in the region that interpret religion in a way that is inclusive of LGBT people, and have welcomed LGBT people into community spaces.²⁹ Many have also joined efforts in advocating in support of the human rights of LGBT people,³⁰ and LGBT people of faith have started their own community spaces, and places of worship.³¹ For example, UNDP has reported:

Muslim and Christian prayer groups have been set up in some locations on Java, and students and faculty at some Islamic studies universities and Christian theological seminaries are exploring diverse genders and sexualities.³²

A paper commissioned by the ARCUS Foundation on faith-based advocacy in support of SOGIESC human rights issues at the international level revealed that the Asia Pacific region had the highest level of faith-based support in national coalition submissions among the various regions. For example, Buddhist, Christian, Hindu, Sikh, Taoist, and Muslim faith

groups in Malaysia supported national coalitions reports to the UN that were inclusive of LGBTIQ human rights issues.³³

It is important to note the diversity of beliefs and practices across the region, including Christianity, Catholicism, Islam, Judaism, Hinduism, Jainism, Buddhism, Sikhism, Confucianism, Taoism, a large number of indigenous beliefs, as well as atheism and agnosticism. Followers of any of these faiths may hold a diversity of views when it comes to sexual and gender diversity, and teachings on this subject may be absent, unclear or contradictory.

For example, a UNDP report noted that conservative Buddhist people in Thailand may hold the view that sexual or gender diversity is a matter of karmic retribution – a punishment for committing immoral sin, specifically marriage transgression, in their past lives.³⁴ Another view is that people engaging in same sex relations are unable to control their sexual impulses.³⁵ Both positions create social stigma for LGBT persons.³⁶

While Islam, Christianity and Catholicism in particular have been used to justify restrictions and abuses of the rights of people on the basis of sexual orientation and gender identity, some indigenous religions and cultures have a history of celebrating diverse genders and sexualities.³⁷ The diversity of identities across the region is illustrated by the wealth of terminology for such identities, many of which are not translatable into English without losing significant depth and nuance.³⁸ Examples include, but are not limited to, *jambu*, *mak nyah*, *pengkid*, *thirunangai*, *khwajasara*, *hijra*, *zanas*, *bakla*, *badaf*, *agi*, *sward*, *syoke*, *bayot*, *tom*, *tibo*, *tiboli*, *tibam*, *pars*, and *transpinay*.³⁹ People may or may not identify with the Western/Anglophone “LGBT” identifiers. There are few known regionally specific terms for intersex status.⁴⁰ The Asia Pacific Forum of NHRIs noted:

Terminology that describes such intrinsic parts of a person's identity or characteristics carries a heavy weight and significance. This is particularly so for groups that have been stigmatised and whose existence has been denied. In those circumstances, terms validate who someone is and may help them to feel connected to others who share that identity or those characteristics.⁴¹

Research undertaken by a number of groups across the region showed that a common experience for lesbians, bisexual women and trans people across the region came in the form of societal and cultural gender expectations and power relations. This often translated into violence in the domestic realm, from families and communities, including in the forms of forced marriage, rape, and beatings.⁴² The report noted that “In Asia, the family is the most powerful enforcer of social norms, standards of respectability, morality, and religious teachings.”⁴³ Such violence is often invisible, and many States tend to see domestic violence as a “private matter” outside of their jurisdiction. “Daughters” (and trans masculine people) are widely expected to live with their parents until marriage (with cisgender men), sometimes trapping them in abusive households. However, family rejection and disownment is not unusual.⁴⁴ Unmarried women living outside of their family home may be seen as living “outside the norms of protection for women,” and thereby vulnerable to further perpetrations of violence.⁴⁵

Discrimination in education and in employment leads to financial insecurity for many, and research has shown that poverty is common in trans communities.⁴⁶ As a result, a substantial number of trans people engage in sex work to make ends meet.⁴⁷ Discrimination against LGBTI people around the world has been shown to be pervasive in all areas of life, including in access to health care, housing and state benefits, asylum and migration, and freedom of expression, peaceful assembly and association.⁴⁸ This is often compounded by multiple and intersecting factors of discrimination, including on the basis of sex, gender, religion, ethnicity, language, class, caste, lineage, ability, education and economic status.⁴⁹ These factors also play out within organizations and movements, with the more privileged (i.e. cis male, urban, English speaking) having access to trainings, regional and international networks, and therefore funding and leadership positions.⁵⁰

3. REGIONAL AND SUB-REGIONAL HUMAN RIGHTS INSTITUTIONS

One regional human rights forum relevant to advocates working on sexual orientation, gender identity and expression and sex characteristics is the **Asia-Pacific Forum for National Human Rights Institutions (APF)**. The APF is a network of NHRIs in the Asia and Pacific region. It was formed in 1996 by NHRIs of Australia, India, Indonesia and New Zealand,⁵¹ and now has 24 members – fifteen full members and nine associate members. It provides advisory, networking and capacity-building services to its members to support them in their efforts to comply with international standards and to promote and protect human rights.⁵² The APF holds an annual meeting to discuss the work and direction of the organization, to share experiences and to build co-operative relationships between NHRIs. Every second year, the APF hosts a major conference in conjunction with the annual meeting, bringing together representatives from NHRIs, governments, civil society and international organizations.⁵³

At the sub-regional level, the **ASEAN Intergovernmental Commission on Human Rights (AICHR)** is a key space. AICHR was established by ASEAN in 2009 to develop regional cooperation on human rights. Decision-making of the AICHR is based on consultation and consensus. The AICHR holds two regular meetings in a year and additional meetings if and when necessary. Each ASEAN member state has one representative on the Commission; each representative of the AICHR is appointed by the respective government for the term of three years and is renewable once.⁵⁴

The **ASEAN Commission for the Protection and Promotion of the Rights of Women and Children (ACWC)** is another sub-regional intergovernmental human rights institution, established in 2010. This mechanism drafted the ASEAN Declaration of VAW and Violence Against Children, and additionally promotes the implementation of the Convention on the Elimination of Violence Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). Each ASEAN member state has two representatives on the Commission. ACWC meets at least twice a year, and all decisions are made by consensus.⁵⁵

While both AICHR and ACWC have protection mandates, neither have monitoring and reporting functions, or communications procedures.

The **ASEAN Civil Society Conference/ASEAN People's Forum (ACSC/APF)** is an annual forum of CSOs, people's organizations and social movements working within the ASEAN region. which is held as a parallel meeting to the ASEAN Summit of Heads of State. The meeting is traditionally hosted by civil society of the country where ASEAN is meeting (although in 2016 the ACSC/APF was held in Timor Leste, with ASEAN meeting in Laos). The Forum produces joint statements and recommendations, which are submitted to the ASEAN Secretariat and the government representatives for consideration in their discussions and negotiations.⁵⁶

The **South East Asia National Human Rights Institutions Forum (SEANF)**, established in 2004 is comprised of six independent NHRIs in the South East Asia sub-region, including from Malaysia, Indonesia, the Philippines, Myanmar, Thailand and Timor Leste. Working under a cooperative framework, SEANF members undertake joint projects or activities to address issues of common concern, and encourage other governments in the sub-region to establish NHRIs. SEANF meets annually and has a rotating chair.⁵⁷

Although these spaces and institutions exist, many organizations from the region see the **UN human rights mechanisms** (including the treaty bodies, universal periodic review and special procedures) as more accessible, open and effective vehicles for advocacy outside of the national context.⁵⁸ Of the regional spaces, the APF and ACSC/APF have been most inclusive of human rights issues relating to sexual orientation, gender identity and expression and sex characteristics.

The APF has built its work in this area on the adoption of the Yogyakarta Principles,⁵⁹ holding the "Yogyakarta Workshop" in 2009. At the workshop, representatives of APF member institutions "affirmed the universality of all human rights and declared that NHRI mandates extended to those who suffer human rights violations based on their actual or perceived sexual orientation or gender identity."⁶⁰ They initiated the first APF program of work on these human rights issues, agreeing on actions to promote and protect the rights of LGBTI persons. The APF framework includes research, recommendations for reform of laws and policies, investigating and resolving complaints and education and awareness raising activities, in partnership with LGBTI organizations.⁶¹ In 2016, the APF published a manual for NHRIs on sexual orientation, gender identity and sex characteristics,⁶² which is already being used in a training program bringing together staff of member institutions and civil society for collaboration and country partnerships on work in this area.⁶³



The APF-UNDP Programme of Action and Support, developed and adopted at in Bangkok in 2015, provides a firm basis for both organizations and for individual NHRIs to develop this work further in coming years. It provides the basis of the APF work plan on human rights in relation to lesbian, gay, bisexual, transgender and intersex people for the 2015–20 period.⁶⁴ One interviewee suggested that an alternative strategy to ASEAN is to engage NHRIs at the local level and APF, to encourage experience sharing between NHRIs through South-South cooperation.⁶⁵

While the commitment to consensus in ASEAN has effectively blocked meaningful discussion of SOGIESC issues at AICHR, the ACSC/APF has included sexual orientation and gender identity in its declarations, and is generally seen as a supportive and welcoming space for LGBTI activists.⁶⁶ Interviews with activists working at this level suggested that AICHR could become more progressive on these issues in the future, either with new generations of commissioners, or by pushing members and representatives.⁶⁷ There were indications that some representatives at AICHR were open to or allies on these issues.⁶⁸

Interviewees expressed frustration in engaging with ASEAN and AICHR, but some were nevertheless “experimenting” with the space, and identifying possible ally countries to continue raising the issues.⁶⁹ Others chose not to engage in a space that was seen as difficult and undemocratic.⁷⁰

Overall, activists saw UN mechanisms as more effective spaces to engage. Regional groups engaged a range of UN bodies, including the UPR, treaty bodies, special procedures, as well as the WHO (on ICD reform and other issues).⁷¹ The treaty bodies have been a particularly effective space to raise human rights violations against intersex people since the UN expert consultation on the rights of intersex people in September 2015.⁷² For example, strong concluding observations and recommendations have been issued on China and Nepal following the advocacy of groups on intersex issues. ASEAN SOGIE Caucus recently held a training session for other groups in the region on advocacy with the CRC and CEDAW. Activists are also trying to encourage their governments to raise sexual orientation and gender identity issues in the UPR.⁷³

Nevertheless, capacity and resources remained an obstacle to engagement for many groups who may not be as connected to broader international LGBTIQ movements, and who may not have access to information and trainings on the mechanisms, particularly where English is the default operating language.⁷⁴ Regional and international mechanisms may be seen as too far removed from communities to help foster sustainable change.⁷⁵ UNDP recently commissioned research on LGBTI civil society engagement with the UN human rights mechanisms in 12 countries in Asia, which took place over 2016.⁷⁶

4. THE REGIONAL MOVEMENT

4.1 Existing regional networks

Asia Pacific Transgender Network (APTN)

APTN was launched in December 2009, by a group of 15 transgender women from 10 countries across Asia and the Pacific.⁷⁷ APTN work expanded from a focus on HIV, to health, to human rights more broadly.⁷⁸ The Network has been inclusive of trans men since 2011.⁷⁹ It has country partners in 11 countries and presence in 24.

At the regional level, APTN produced a “Blueprint for the Provision of Comprehensive Care for Trans Persons and Trans Communities in Asia and the Pacific.”⁸⁰ This publication was developed in collaboration with UNDP, the USAID-funded Health Policy Project (HPP), and Linkages.⁸¹ APTN also has support from UNDP to map existing laws and policies on legal gender recognition across the region, in order to identify gaps and guide strategic decisions in this area. With UNDP and national partners, the organization is developing nine legal gender review documents and a regional report.

In addition, APTN has country level programmes to support the development and strengthening of transgender networks in six countries, including Cambodia, India, Malaysia, Nepal, Pakistan and Thailand.⁸² The Robert Carr Civil Society Networks Fund has supported country level work. The network’s human rights work is mostly affiliated with its country partners.

APTN has published several reports, and policy and technical briefs and has developed a set of recommendations to protect and promote the rights of trans people.⁸³ It states on its website that it “provides a platform for transgender people to voice their views at meetings and workshops, in advocacy development, programme planning, implementation and evaluation of projects, and to promote their inclusion in National Strategic Plans and development partners’ action plans.”⁸⁴

APTN has a secretariat of six staff in Bangkok, as well as an advisory committee, a steering committee and a Thai foundation board that oversees the finances and assets of the foundation (in line with Thai legal requirements).⁸⁵ UNDP and the Robert Carr Foundation provide programme and staffing support.⁸⁶ APTN is recognized as the only trans-led regional body working on trans human rights issues across the region.⁸⁷

Asia Pacific Coalition on Male Sexual Health (APCOM)

APCOM (founded in 2007) is a coalition of members (governments, UN partners, non-profits and community based organizations) from Asia and the Pacific. APCOM works predominantly on HIV issues that affect the lives of gay men, men who have sex with men (MSM), transgender people and other people with diverse sexual orientations, gender identity and/or expressions, including LGBTQ people, including rights, health and well-being. It monitors inclusion of MSM and HIV issues in national HIV plans, including providing support on sustainable, cost effective, and strategically allocated HIV financing; leads on a campaign to promote HIV testing; provides support and technical expertise to MSM and HIV community networks in Cambodia, Lao PDR, Indonesia and Philippines; and undertakes research (published on its online resource centre “[the Source](#)”). APCOM’s goal is to facilitate dialogue and learning that would enable more investment and effective strategies to address male sexual health related, in particular, to HIV. APCOM hosts LGBTI groups every month. APCOM has a Secretariat of 17 individuals and seven board members. It receives funds from Robert Carr Foundation and the Global Fund.⁸⁸

Coalition for Sexual and Bodily Rights in Muslim Societies

CSBR is an international solidarity network that was founded in 2001, by a group of 19 activists and experts from 10 countries in Asia, the Middle East and North Africa (MENA) who had come together for a meeting aimed at breaking the taboos around sexuality in the MENA region.⁸⁹ Today it has 31 member organizations across 16 countries, including 13 from South or South East Asia.⁹⁰ The Coalition bridges LGBTQ and women’s rights movements with a holistic focus on the recognition and respect of sexual and bodily rights as human rights, through advocacy, publications, trainings, research

and campaigns.⁹¹ CSBR's international advocacy work links issues of violence against women, sexual and reproductive rights (including for LBT women), and LGBT rights, to wider human rights concerns. CSBR sees a larger number of groups working on LGBT rights across Muslim societies keen to engage with the Coalition, and consequently, it envisages more of a role and opportunity to expand its work on SOGIESC issues, within a rights-based, queer, feminist framework.⁹² While CSBR member organizations are involved in the broader international LGBTI movement, the 2015 ILGA Asia Conference was CSBR's first engagement in an LGBTI-specific regional forum. The Coalition has been hosted by three different member organizations, as voted by its general assembly, and in 2015, the coordinating office moved for its new three-year term to GAYa Nusantara, in Surabaya, Indonesia.⁹³ The Coalition has one full-time coordinator and an Advisory Committee of 8 elected representatives from member organizations. CSBR has been funded by foundations and private philanthropy, including Ford Foundation, Global Fund for Women, Gruber Foundation and Sigrid Rausing Trust.⁹⁴

ASEAN SOGIE Caucus (ASC)

The ASC was formed when LGBTIQ activists from eight ASEAN countries came together to attend a meeting organized by Arus Pelangi (the Indonesian Federation of LGBT Communities), Indonesia for Human, and the Institute for the Study of Environment and Economy (ISEE), during the 2011 ACSC/APF in Jakarta, Indonesia. ASC worked with OutRight Action International (its fiscal sponsor) to formalize its structures, and held its first strategic planning meeting in April 2013.⁹⁵ ASC legally registered as an NGO in 2015. The strategic plan for ASC outlines its goal "to advocate for the inclusion of sexual orientation, gender identity and gender expression in ASEAN Human Rights Mechanisms in order to promote and protect the human rights of people regardless of SOGIE in the Southeast Asian region."⁹⁶ It has ten members organizations from 8 countries (and one international organization with an Asia programme – OutRight).⁹⁷ ASC has a board of trustees and a steering committee each of 5 people, and a secretariat of 3 people based in the Philippines.⁹⁸ ASC engages in lobbying and advocacy work with ASEAN and UN human rights mechanisms, and works to build and enhance the capacity of its members in this area.⁹⁹ It also gives capacitating grants to groups in different countries for activities, trainings and advocacy.¹⁰⁰ The ARCUS Foundation and UNDP provide programmes and staffing support.¹⁰¹

ILGA Asia

ILGA Asia is the regional chapter of the global membership federation, the International Lesbian, Gay, Bi, Trans and Intersex Organization (ILGA), and is represented by two board members (and two alternates) who are voted in by the regional membership at the regional conferences. The first ILGA Asia conference took place in 1986 in Japan.¹⁰² Recent conferences include Bangkok 2013, and Taiwan 2015. It previously had a staff member in Hong Kong, and is in the process of relocating to Bangkok. It is developing a strategic plan, and its current goals include relocation, registration, consultation to build strategy plan and working on the next conference (including fundraising).¹⁰³

The intersex movement in Asia is very small, with few activists or organizations. The first regional gathering of intersex activists took place at the 2015 ILGA Asia conference in Taipei. Intersex activists are often the only ones in their country, and language and resource issues affect the ability to connect across borders.¹⁰⁴ Organizations are generally unregistered, and tend not to have members. However, an intersex community (*Intersex Asia*) on Facebook now has members from China, Hong Kong, India, Indonesia, Pakistan, Philippines, Myanmar, Nepal, Thailand and Turkey.¹⁰⁵ Its aim is to bring resources, information and knowledge about the global intersex movement and human rights to intersex activists in Asia, and to bring greater representation of intersex people from Asia to global spaces.¹⁰⁶ This is currently a voluntary initiative.

4.2 Cooperation

The level of cooperation between movements and organizations in different countries is heightened by activities organized by regional and international networks, as well as UN agencies. Conferences, trainings, and other gatherings provide opportunity for activists from different contexts to meet, share strategies, develop projects together and increase capacity. However, this is also dependent on funding, focus and representation, and sometimes can exacerbate existing inequalities within the movement.¹⁰⁷ Increasing access to the internet and social media provides a remote space and opportunity to campaign and strategize across national, regional and international contexts.¹⁰⁸ Many activists and organizations choose not to work outside of the national context for a variety of reasons. For example, they may not see it as a priority, as relevant, or language skills and capacity may be an obstacle.¹⁰⁹ Some of examples of regional cooperation include the following:

- APTN indicated that in working with ASC, ILGA World, GATE and other global organizations, it acts as a bridge for international conversations and local organizations and activists in Asia and the Pacific, and was aiming to develop a good mechanism for the representation of Asia-Pacific trans voices in global spaces.¹¹⁰
- The regional networks have collaborated on campaigns; for example, ASC, ILGA Asia, APTN, APCOM, and the Pacific Sexual Diversity Network (PSDN) recently issued a joint statement on an initiative to block a human rights protection mechanism on sexual orientation and gender identity issues at the UN.¹¹¹
- ASC hosts the ASEAN LGBT Peoples Forum before ASEAN gathering, which brings national level groups and activists together from across the region.¹¹²
- In February 2015, UNDP and other partners convened a Regional Dialogue on LGBTI people Human Rights and Health in Asia-Pacific. The Regional Dialogue gathered over 230 participants from the Asia Pacific region, including community representatives, government experts, representatives of NHRIs and development partners. Inclusion of intersex people in the Regional Dialogue enabled discussion of specific issues relating to sex characteristics.¹¹³
- At the ILGA World Conference held in Bangkok in November 2016, UPR Info, ILGA Asia, ASEAN SOGIE Caucus, APCOM, and the Embassy of Canada, co-organized a workshop on engaging and empowering LGBTI activists in the UPR to promote, protect and advance rights relating to SOGIE.¹¹⁴

4.3 Alignment with other regional organizations

The extent to which LGBTI activists and groups engage with other regional organizations (and vice versa) varies. Some groups are embedded in gender work and spaces, others in health (and particularly HIV).

APTN and APCOM work very closely with other regional organizations working on HIV and human rights. APTN, APCOM, and the Asian Network of People who Use Drugs (ANPUD), the Asia Pacific Network of Sex Workers (APNSW), and the Asia Pacific Network of HIV Positive People (APN+), make up a consortium working on key populations, HIV and rights in the Asia Pacific. While the other groups in the consortium work almost entirely in the context of HIV, APTN and APCOM have been expanding its mandate to broader health and human rights concerns for trans people.¹¹⁵

CBSR has close linkages with feminist and women's rights organizations, and member organizations in the region work on a range of issues in addition to SOGI, including health, poverty alleviation, access to justice, international advocacy, women's rights in relation to Islam, and violence against women. Two member organizations of CBSR are also regional networks: Asian-Pacific Resource & Research Centre for Women (ARROW) and International Women's Rights Action Watch Asia Pacific (IWRAW-AP).¹¹⁶

In June 2015, ASC convened a roundtable discussion on "locating the intersections of LGBTIQ issues." The discussion brought together key stakeholders working on a range of thematic issues, including poverty, migration, labour, ethnicity, disability, child rights and aging, with the goal of exploring possibilities for cross-sector collaboration in addressing the human rights situation of LGBTIQ persons.¹¹⁷ ASC has also collaborated with the Human Rights Working Group (HRWG) to organize a week of ASEAN advocacy in June 2016, and works with the Solidarity for Asian Peoples Advocacy (SAPA) Working Group on ASEAN.¹¹⁸

The Asian Forum for Human Rights and Development (Forum Asia) is a regional membership based organization with 58 members from 19 countries. Although it did not have a history of working on SOGIESC issues, the Forum was called upon to undertake advocacy and mobilize support around the first UN resolution on human rights, sexual orientation and gender identity in 2011. Since then, the organization has engaged in campaigns, solidarity work, and regional and international advocacy on sexual orientation and gender identity.¹¹⁹

4.4 Gaps, needs, strengths, opportunities

Interviewees identified numerous areas where they would look to see strengthened capacity in the movement, including in: funding the trans movement; addressing the invisibility of intersex people, trans men and lesbian and bisexual women (including in leadership positions); human rights education and the development of documentation skills; UN advocacy; developing strategies on legal gender recognition and access to trans inclusive health care; fostering pluralism and intersectional work; addressing language issues, and; investing in wellness and security.

As previously highlighted, inequalities based on SOGIESC are often compounded by multiple and intersecting factors of discrimination, including on the basis of sex, gender, religion, ethnicity, language, class, caste, lineage, ability, education and economic status.¹²⁰ These factors also play out within organizations and movements, with the more privileged (i.e. cis male, urban, English speaking) having access to trainings, regional and international networks, and therefore funding and leadership positions,¹²¹ and such support failing to 'trickle down' to rural areas and grassroots communities.¹²²

While interviewees generally indicated that the comparatively high level of funding to HIV work meant that organizations focused on issues affecting MSM and trans women had well developed resources and capacity, an APCOM capacity assessment suggested that "MSM and transgender networks and organizations need support to build their technical capacity in a number of areas, including policy analysis, effective regional/sub-regional/national representation in decision-making, programme monitoring and evaluation, and advocacy."¹²³ Furthermore, APCOM raised concerns that the sustainability of financing this work was an issue, with current funding being insufficient to cover community needs, and funds further declining.¹²⁴

APTN noted that trans movements in the region were either not funded, or extremely underfunded, so capacity at the local and national levels remained limited.¹²⁵ Another interviewee noted that the legacy of HIV funding meant that there are many non-trans led groups in Asia claiming to work on trans issues.¹²⁶ This was predominantly seen to be an issue with MSM groups that expanded their focus to include MSM and trans people. Research undertaken by Global Action for Trans* Equality (GATE) and the American Jewish World Service (AJWS) found that trans people often have minimal decision making power in organizations working on trans issues, and additionally noted:

HIV funding often targets trans women as a subset of men who have sex with men (MSM), conflating gender identity with sexual behaviour and failing to respect trans women's gender identity; this means that other trans people do not receive support from HIV funding streams, which often drives wedges in communities along the lines of sex and gender.¹²⁷

APTN stressed the need for core funding for trans groups, and support for organizational development, infrastructure and capacity.¹²⁸ Too many trans organizations were dependent on project funding, with activists working unsustainable hours trying to meet deliverables, fundraise, build their organization and hold on to their broader strategic vision at the same time.¹²⁹ The 2013 GATE/AJWS research revealed that trans and intersex groups sought additional support in networking and exchange with other trans and intersex groups, skills training, and mentoring programs for group leaders.¹³⁰ The research showed that the 5 training skills most desired by trans and intersex groups in Asia were:

1. Fundraising, including writing grant proposals and reports;
2. Budgeting and financial management;
3. Program strategy and development;
4. Monitoring and evaluation;
5. Community organizing.¹³¹

In addition, APTN sought the meaningful inclusion of Asia-Pacific trans voices in international spaces and conversations, and highlighted the regional specificities of, *inter alia*, legal gender recognition and access to health care.¹³²

CSBR, OutRight, APCOM, APF, UNDP and UN Women have raised the issue of invisibility of lesbian, queer and bisexual women, trans men and trans masculine people. A UNDP report indicated that research on trans people in the region has tended to focus on young and urban communities of trans women, and has neglected the elderly and rural, as well as trans men, who remained severely under-researched.¹³³ Research on violence against lesbian, bisexual and trans people in five countries in Asia, coordinated by Outright, has addressed the invisibility of violations against these groups.¹³⁴ The research showed that in all five research countries, trans men were the most invisible of LGBT groups and communities, and that violence against transgender men remained under-reported, under-investigated and under-documented.¹³⁵ UN Women noted that this “invisibility means that there is less understanding of the issues faced by trans men, limited inclusion of trans men in advocacy initiatives around LGBTI rights, and greater struggles for trans men in all spheres of life.”¹³⁶

While APTN has trans masculine staff, and undertakes efforts to ensure that trans men sit around the table, it expressed concern about the exclusion of trans masculine people in trans organizations within the region.¹³⁷ APCOM indicated that it was discussing whether it needed to look into trans men’s health issues.¹³⁸

CSBR also noted that queer women’s, lesbian and trans men’s groups within the coalition experienced marginalization, particularly in terms of a lack of meaningful representation, leadership and decision-making power, in mainstream international “LGBT” spaces and funding that were seen as more focused on traditional areas such as HIV and MSM, and lacking in a stronger intersectional approach. As a result, these groups were unable to address the needs of their communities and strengthen the movement on the ground, and there was a need for increased support to queer, feminist, rights-based movements and initiatives.¹³⁹ The APF noted that there was much less regional information available about the experiences of these specific groups, and stressed the need to take the distinct experiences of lesbian and bisexual groups into account when addressing their human rights.¹⁴⁰ As outlined by one UNDP report:

While HIV brought attention to gay men, MSM and transgender women, the health needs and human rights of lesbians, transgender men and bisexual people, including young LGBT people, have received little attention and intersex issues are almost completely absent, with both misunderstandings of what are intersex issues and a lack of organized advocacy for the rights of intersex people.¹⁴¹

Beyond a meeting hosted by UN Women on the rights of LBTI persons, and the OutRight et al. research on violence against lesbians, bi women and trans people in five countries in Asia, there were no regional projects addressing the specific needs of and challenges faced by lesbian, bisexual and queer women at a regional level.¹⁴² Interviewees stressed the need to stop conflating HIV/MSM work with “LGBT” organizing, thereby disenfranchising lesbian, bisexual and queer women, excluding them from the funding pool, exacerbating inequalities, and ignoring the specificity of issues that these women face in patriarchal and heterosexist contexts.¹⁴³ UN Women has noted:

In a similar manner to which heteronormativity affects the women’s movement, patriarchal privilege can affect LGBTI organisations and the gay rights movement. Drawing upon their patriarchal privilege, gay men often dominate LGBTI organisations and the agenda for the movement for LGBTI rights. This is evident in gay men often taking leadership roles in LGBTI organisations and LGBTI safe sex initiatives often focusing on the needs of MSM, such as through promoting condom use, rather than the sexual health needs of LBTI persons...

In addition, gay or bisexual men may exhibit similar sexist behaviour towards women as is experienced in broader patriarchal society. This may include sexual harassment, sexist or offensive comments or jokes, belittling or excluding women from discussions and decision making, and holding stereotyped views of the capabilities or roles of women. For LBTI women who are already experiencing these behaviours in broader patriarchal society, it can be exhausting to also deal with sexism within the LGBTI movement.¹⁴⁴

The invisibility of intersex people was a fundamental challenge, even among intersex activists. OII-Chinese noted the difficulty in building a regional movement where very few people identified openly as intersex, and the issues affecting intersex people in the region were largely undocumented.¹⁴⁵

Gaps were identified in human rights education, documentation, advocacy, organizational development, English language, and ICT skills for activists across the region, hindering access to regional and international convenings and discussions.¹⁴⁶



The skills gap in documenting infringements of human rights posed an obstacle to evidence-based advocacy at the national and international levels.¹⁴⁷ ASC stressed the need to develop capacity in this area in a manner that was feasible for organizations that don't have the time, resources or full time staff to gather and analyze qualitative data and produce in depth narrative research, but still need reliable information on which to base advocacy briefs and statements.¹⁴⁸ Feeding into this was the need for human rights education.

Language barriers were a core challenge to regional movement building, both in terms of communications between individuals and organizations, and in terms of engaging in expert spaces.¹⁴⁹ This was particularly noted with regard to the growth of a regional intersex movement.¹⁵⁰ OII-Chinese described the need to work around language issues in building an online base and training activists, and how a relatively high level of education was required to engage on medical, legal and human rights concepts and terminology in a foreign language. There were very few intersex activists with this capacity carrying the burden for the region, and it was important to acquire the resources to develop communication skills on policy issues, particularly with the younger generation.¹⁵¹

While groups were, to varying degrees, working on the various intersections of human rights issues and with other movements as relevant to their particular field of activism, this was an area that could be strengthened.

For example, ILGA Asia raised the need for additional regional capacity building, including on legal and technological expertise, in dealing with LGBTI asylum seekers and refugees, noting that this had become increasingly relevant with several cases over the last year. One element of this was supporting national movements when leading activists are forced into exile.¹⁵²

CSBR highlighted the value of bringing together people who work across language, ethnic and faith backgrounds, and human rights issues, and fostering strategies of pluralism. This could help to mitigate the risk of backlash against particular groups if they are approached separately on LGBTI issues, and build bridges and collective strategies between communities who face similar ideology-based challenges.¹⁵³ UN Women noted the importance of inter-faith dialogue in "shaping and changing society to create more tolerance, acceptance and dignity for LGBTI people."¹⁵⁴

A vital concern, and current gap, was in developing and promoting security and wellness plans for LGBTI people and activists.¹⁵⁵ UNDP noted that organizations had minimal to no capacity or technical support around physical and digital security, and this was a critical entry point. However, simply focusing on security plans is not enough to ensure sustainable activism. The lack of wellness work was seen to be taking a toll on activists and organizations in the face of attacks and hate campaigns.¹⁵⁶ Newcomers to the movement may be living in fear, and veterans may be taking more risks and facing the consequences. People face secondary trauma in undertaking interviews, research and other work around rights abuses.

5. OVERVIEW OF OTHER RELEVANT PROGRAMMES

5.1 UN programmes

UN Development Programme (UNDP)

Being LGBTI in Asia

Being LGBTI in Asia (BLIA) is a regional programme “aimed at addressing inequality, violence and discrimination on the basis of sexual orientation, gender identity or intersex status.”¹⁵⁷ The programme is a collaboration between governments, civil society, regional institutions and other stakeholders to advance the social inclusion of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in Asia. Information about the programme activities are available on the UNDP website.¹⁵⁸

Phase 2 of BLIA is due to end in December 2017, and some activities may run into a proposed Phase 3. UNDP is developing similar projects in other regions, as well as a global LGBTI index with the World Bank Group.¹⁵⁹

Multi-Country South Asia Global Fund HIV Programme (in partnership with Global Fund to Fight AIDS, Tuberculosis and Malaria)

This programme was initiated in 2011 with the goal of reducing the impact of and vulnerability to HIV of MSM, hijras and transgender people. The programme operates in 7 countries (Afghanistan, Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka). The programme is supported by a grant from the Global Fund. UNDP Bangkok Regional Hub served the role of Principle Recipient until December 2016.¹⁶⁰

UN Entity for Gender Equality and the Empowerment of Women (UN Women)

Regional Programme on Improving Women’s Human Rights in Southeast Asia (CEDAW SEA Phase II)

Supported by Global Affairs Canada, and covering eight countries across the region, namely Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand, Timor-Leste and Viet Nam; the program focuses on enhancing the implementation and monitoring of CEDAW at a national level and promoting women’s access to justice through awareness raising and capacity development of government branches and civil society organizations. Ending discrimination against LGBTI persons is an important part of the effective implementation of CEDAW.¹⁶¹

UN Office of the High Commissioner for Human Rights (OHCHR)

OHCHR works with States, NHRIs and civil society to promote and protect the human rights of all persons, including LGBTI people. OHCHR has advocated for the worldwide repeal of laws criminalizing and pathologizing LGBTI persons, as well as further measures to protect people from violence and discrimination on the grounds of sexual orientation, gender identity and sex characteristics.¹⁶² The ongoing work of the OHCHR includes: raising concerns and putting forward recommendations for law and policy reform in dialogues with governments; monitoring and exposing human rights violations affecting LGBTI persons; engaging in public advocacy for decriminalization and other measures to strengthen human rights protection for LGBTI persons; working with UN partners to implement activities to counter discrimination and violence against LGBTI persons; supporting the Special Procedures and Human Rights Treaty Bodies to address discrimination based on sexual orientation, gender identity and sex characteristics; and supporting the Universal Periodic Review which provides a potential forum for raising concerns and developing recommendations on LGBTI issues.¹⁶³ The OHCHR has a regional office for South East Asia based in Bangkok.¹⁶⁴

In July 2013, OHCHR launched a public information campaign, called Free & Equal, which is designed to raise awareness on homophobic and transphobic violence and discrimination and to promote greater respect for the rights of LGBT people.¹⁶⁵

Joint United Nations Programme on HIV/AIDS (UNAIDS)

UNAIDS aims to work with the LGBTI community to ensure meaningful civil society involvement in the context of supporting access to HIV services. The work of UNAIDS involves: supporting countries to monitor the HIV epidemic and response, including the gathering of disaggregated data for populations at higher risk, such as MSM, sex workers and transgender people; driving political advocacy, including for rights-based responses to HIV and the rights of vulnerable and at risk groups; and providing strategic policy advice and technical assistance to support countries to optimize resources and deliver results, such as through engagement with civil society.¹⁶⁶

Other UN agencies

The OHCHR prepares and updates a document outlining some of the work undertaken by UN agencies in combating violence and discrimination on the basis of SOGIESC, including the agencies listed above, and UNFPA, UNHCR, UNICEF, ILO, UNESCO, WHO, the World Bank, and joint UN initiatives. The document includes a contact list of key focal points in each agency, as well as links and references to relevant documents and materials. This document was last updated in April 2017 and can be accessed at:

<http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNSystem.aspx>

5.2 Regional human rights/advocacy programmes

UPR Info

Established in 2008, UPR Info is an NGO aimed at raising awareness on the Universal Periodic Review (UPR) and providing capacity-building tools to the different actors of the process, such as UN Member States, NGOs, NHRIs, and civil society, in general.¹⁶⁷ It is headquartered in Geneva, and held a regional office in Bangkok between May 2015 and December 2016. The regional office is now closed. In 2015 UPR Info held trainings, pre-sessions and national consultations on the reviews of Thailand and Myanmar.¹⁶⁸

International Women's Rights Watch Asia Pacific (IWRAP Asia Pacific)

IWRAP Asia Pacific is a Kuala Lumpur based regional/international NGO with a primary focus on advocacy around the International Convention on the Elimination of Discrimination against Women and its monitoring committee (CEDAW).¹⁶⁹ The organization's overarching goal is to eliminate discrimination against women, and realize women's human rights and social justice using CEDAW. IWRAP Asia Pacific has identified several key areas for its organizational programme of work, namely: engendering the legal framework for human rights; strengthening the capacity of state institutions to implement CEDAW, and; innovating and sharpening the analysis and advocacy of women's rights organizations.

Regional SRHR programmes

There are numerous organizations working to advance sexual and reproductive health rights (SRHR) in the region, including:

- Asia Pacific Alliance for SRHR¹⁷⁰
- ARROW¹⁷¹
- IPPF regional offices for a) South Asia,¹⁷² and b) East and South East Asia and Oceania¹⁷³
- Youth SRHR Network in East and South East Asia and Pacific¹⁷⁴

5.3 Global Fund Regional Programmes

The Global Fund partners with governments, medical experts, advocates, civil society and people living with HIV, tuberculosis and malaria to fight the three diseases in the Asia-Pacific region.¹⁷⁵ The Global Fund funding includes work related addressing HIV related issues affecting sex workers, people who inject drugs, men who have sex with men and transgender people:

- Key populations
 - Investing in adequate services and support for key populations in their funding requests. The Global Fund is committed to ensuring that people have access to prevention, treatment, care and support
 - Implementing initiatives to ensure that key populations are able to meaningfully engage in programmes¹⁷⁶
- Human rights
 - Addressing human rights barriers to health services including criminalization of sex work, of same sex relations¹⁷⁷

Regional level programmes supported by the Global Fund include:

- APN Plus - This multi-country grant supports national HIV-positive networks in Bangladesh, Indonesia, Laos, Nepal, Pakistan, Philippines and Viet Nam. The program works to strengthen the networks through training for advocacy, monitoring and documentation; collecting information regarding the challenges to access to treatment for people living with HIV at the country level; and advocating for changes at the regional and national level for the betterment and higher quality of access to treatment for people living with HIV.¹⁷⁸
- Insular Southeast Asia Network of MSM, TG and HIV - This initiative responds to expanding HIV epidemics among men who have sex with men and transgender people in Indonesia, Malaysia, the Philippines and Timor-Leste. The program seeks to strengthen community-based organizations and health care providers to improve the delivery of HIV-related services, improve strategic advocacy and better use strategic information to strengthen national responses.¹⁷⁹

5.4 Regional HIV programmes

Examples of relevant regional HIV programmes include:

Asia Pacific Inter-Agency Task Team on Young Key Populations (IATT)

IATT is a membership based group, established in 2009 to promote coordinated support from UN agencies and civil society partners to meet the HIV prevention, treatment, care and support needs of young key populations including: young men who have sex with men, young transgender people, young people who inject drugs, young people living with HIV, and young people selling sex.¹⁸⁰

Unzip the Lips

Unzip the Lips is a campaign for and by HIV affected women and girls, including female sex workers, female drug users, migrant women and transgender persons. The campaign aims to foster a common platform for galvanizing advocacy efforts and facilitating the participation of HIV affected women in important regional and international human rights processes and events, such as the 2014 Beijing Plus 20+ review meeting.¹⁸¹

APN Plus

(see above, Global Fund programmes)

Asia Pacific Network of Sex Workers (APNSW)

APNSW is a sex worker led membership based organization, established in 1994. APNSW plays a key role in identifying and creating opportunities for sex workers, analyzing trends, critically assessing new research and policies, and engages in advocacy with relevant decision makers to improve the lives of sex workers in Asia and the Pacific.¹⁸²

EU supported programmes

In October 2016 the EU and ASEAN affirmed their joint commitment to promote and protect human rights and fundamental freedoms.¹⁸³ The European Union supports several projects defending the rights of LGBTI people through the European Commission for Democracy and Human Rights (EIDHR),¹⁸⁴ including projects:

- To increase the visibility and positive representation of LGBT in China;¹⁸⁵
- To increase access to comprehensive SRHR education and services amongst young people, including MSM in South Asia;¹⁸⁶
- Facilitating access to schemes and entitlements for AIDS-affected families, sexual/gender minorities, female sex workers and injecting drug users in India;¹⁸⁷
- To contribute to the improved sexual and reproductive health status of people in Myanmar.¹⁸⁸

5.5 Conferences and convenings

Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific

25–27 February 2015 (Bangkok, Thailand)

In February 2015, a Regional Dialogue on LGBTI Human Rights and Health in Asia-Pacific was convened by UNDP, with support from the Embassy of Sweden in Bangkok, USAID and other partners. The Regional Dialogue gathered over 200 participants from the Asia Pacific region, including community representatives, government experts, representatives of NHRIs and development partners. Inclusion of intersex people in the Regional Dialogue enabled discussion of specific issues relating to sex characteristics. A regional meeting of NHRIs was convened by APF and UNDP to coincide with the Regional Dialogue.¹⁸⁹

Regional Consultation on Promoting and Protecting the Rights of Lesbians, Bisexual Women, Transgender and Intersex Persons

29 February to 1 March 2016,

UN Women facilitated this Regional Consultation in partnership with OutRight Action International, and in collaboration with UNDP and UNAIDS. Its key objectives were to explore the issues and barriers facing LGBTI persons in South East Asia, establish and strengthen partnerships, share good practices in the region, and identify key areas for programming.¹⁹⁰

ASEAN Advocacy Week

June 17th to 23rd 2016 (Jakarta, Indonesia)

ASEAN SOGIE Caucus together with Human Rights Working Group (HRWG) and Arus Pelangi Indonesia had successfully organized the first ASEAN Advocacy Week. The event aimed to provide a learning platform for the participants to deepen their knowledge about ASEAN and its human rights mechanisms as well as to give the opportunity of direct engagement through discussion with the diplomatic community based in Jakarta.¹⁹¹

Engaging CEDAW and CRC

October 28 to 30, 2016 (Bangkok, Thailand)

ASEAN SOGIE Caucus, in partnership with Chinese Lala Alliance (CLA) and SAYONI, conducted a workshop titled: “Engaging CEDAW and CRC: Regional Workshop to Strengthen LGBTIQ Engagement with the UN Human Rights Treaty-Bodies”. The workshop aimed to facilitate learning exchanges between activists, representatives of the UN and international NGOs, on experiences and good practices in engaging the CEDAW and CRC monitoring and reporting.¹⁹² The organizers sought technical expertise from UNICEF, UN Women and Save the Children.¹⁹³

UPCOMING CONVENINGS

Third gender laws, implementation, and best practices

2017 (TBC)

South Asian countries have some shared experiences of colonialism and colonial penal laws, which provides opportunity for a cross-pollination of strategies on gender identity issues. An intergovernmental meeting, supported by the Global Fund, is expected to take place in early 2017 to discuss third gender laws, implementation, and develop a set of best practices. APTN is following this meeting and working to keep trans people at the table in substantive ways.¹⁹⁴

ILGA Asia Conference

2017 (Cambodia)

The ILGA regional conference is due to take place (pending funding) in Cambodia in 2017. The conference brings together member organizations of ILGA Asia and allies “to share their experience and best practices, strategize, build alliances and partnerships, and elect their representatives.”¹⁹⁵

6. CONCLUSIONS AND RECOMMENDATIONS

There are increasingly strong and diverse regional organizations, networks and players working to advance the rights of LGBTI people in the region, including the ASEAN SOGIE Caucus, APTN, APCOM, CSBR and the UNDP Being LGBTI in Asia project. However, the under-representation of women, trans masculine and intersex people, and the lack of attention to the specificities of issues affecting these groups, remains an issue. This gap could be an opportunity for funders to redress the balance; strengthening capacity, resources, organizational infrastructure, representation and leadership of these marginalized groups. Additionally, HIV programmes limit attention on men who have sex with men and trans women to health issues.

Broader human rights education, and investment in documentation, advocacy, organizational development, and English language skills were core needs across the board. While secretariat staff of regional networks tend to hold these skills, they often bear the responsibility for the membership. Training of trainer programmes in human rights education, documentation and advocacy could help knowledge and skills sharing in this area, and should be meaningfully inclusive of LGBTI people so as not to reinforce inequalities in the movement. Dedicated sessions addressing the particular needs of lesbians and bisexual women, trans men and intersex people would further help to address inequalities.

It is important for groups to maintain a presence and voice in regional spaces. Nevertheless, the lack of an inclusive regional human rights mechanism underscores the need to continue to strengthen capacity in international human rights advocacy, including with the UN treaty bodies, special procedures and universal periodic review (UPR). Other players, such as UN Women, UNDP, OutRight and ASC are already involved in this kind of work, and it would be strategic to collaborate to avoid duplication and ensure the best spread of resources.

The opportunity to convene in person – to share strategies, compare issues and priorities, strengthen networks, develop collaborations and more – is invaluable. Funders should explore strategic ways to foster inter and intra-regional dialogue and strengthen the representation of LGBTI people in international spaces, paying attention to the historically unequal representation of lesbians, bisexual women, trans men and intersex people. It is equally important that these individual groups have the possibility to meet among themselves and develop strategies and networks outside of the HIV/MSM infrastructure.

However, language barriers can prevent activists from being able to network across contexts, and to engage in international spaces. Providing interpretation facilities in meetings and discussions can greatly increase the diversity of voices of perspectives. Investing in the translation and development of human rights materials can address language as a barrier to human rights education.

As many LGBTI people in the region face multiple and intersecting forms of discrimination, and may be targeted on grounds other than SOGIESC, strengthening relationships with other movements can be of benefit. Funders should consider fostering dialogue with generalist human rights groups, women's rights movements, and other specific movements (such as those working on the rights of people with disabilities, ethnic minorities, asylum seekers and land rights) as and where relevant, and encourage interfaith dialogue.

Digital and physical security are issues to varying degrees of severity across the region, and groups may not have the resources or capacity to mitigate the risks of their work. Funders might consider collaborating with groups that have expertise in this field, such as Frontline Defenders, Association for Progressive Communications, and Tactical Tech to develop and implement security plans and capacity.

Activist burn out and trauma are real issues undermining the effectiveness and sustainability of the movement. Providing core funding can help to alleviate the pressures of programme work, particularly for groups that depend on volunteer work. Ideas around wellness and self care may vary from context to context. Funders might consider working with wellness specialists to encourage a culture of self care for sustainable activism.

Recommendations to funders in the region

- Strengthen capacity, resources, organizational infrastructure, representation and leadership of lesbians, bisexual women, trans men and intersex people. This should include:
 - Devoted funding and resources to research, understand and promote awareness around the specific needs of lesbians, bisexual women, trans men and intersex people;
 - The conscious inclusion of lesbians, bisexual women, trans men and intersex people in “LGBTI” organizations and events such as through ensuring that invitations are extended to and places reserved for lesbians, bisexual women, trans men and intersex people, and;
 - Providing lesbians, bisexual women, trans men and intersex people with the opportunity to speak and organize for themselves.
- Implement training of trainer programmes in human rights education, documentation and advocacy, particularly for LGBTI people activists.
- Help groups hire from affected communities by funding and providing capacity building and professional development opportunities.
- Collaborate with UN Women, UNDP, OutRight, APTN, APCOM, ASC, and other relevant agencies and organizations on international advocacy programmes.
- Foster inter and intra-regional dialogue and strengthen the representation of LGBTI people in international spaces, paying attention to the historically unequal representation of lesbians, bisexual women, trans men and intersex people.
- Invest in translation of materials and interpretation into local languages wherever possible in all work across the region.
- Foster dialogue and collaboration with other regional movements.
- Support interfaith dialogue on SOGIESC issues.
- Develop capacity and develop and assist in the implementation on physical and digital security, taking into account social, cultural and economic variables such as living conditions and family/community relations.
- Provide general operating support and multi-year grants, wherever possible, and seek to streamline funding procedures.
- Integrate self care and wellness into all programmes and meetings, and foster a culture of self care in partner organizations.
- Recognize the diversity of LGBTI communities and respect local definitions and identities.
- Ensure, as much as possible regional ownership and leadership of projects and programmes, and avoid reinforcing narratives of cultural relativity.

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ENDNOTES

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